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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Bradley F. Chmelka, et. al. Customer No. 38406  
Serial No.: 10/736,462 Confirmation No. 3479  
Filing Date: December 15, 2003  
Group No.: 1724  
For: BLOCK POLYMER PROCESSING FOR MESOSTRUCTURED INORGANIC OXIDE MATERIALS

M/S: PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO CORRECT FILING DATE**

The Notice to File Missing Parts of a Nonprovisional Application mailed March 24, 2004 indicated that the filing date of December 15, 2003 was granted. However, in addition to requiring submission of the oath or declaration, the Notice further indicated that Figure 2 had been omitted from the application. Applicant responded by submitting the missing Figures 2a and 2b along with a properly signed declaration. Upon receipt of the missing drawing, the filing date was reassigned to April 5, 2004, the date on which the Patent Office received the missing drawing.

Responsive to the reassignment of the filing date, Applicant asserts that the application as originally filed without Figure 2a and 2b meets the requirements of 35 U.S.C. § 112 and 113. Applicant respectfully submits that the specification as originally submitted is written in full, clear, concise, and exact terms such as to enable any ordinary person skilled in the art to practice the invention and that Figures 2a and 2b are not necessary to understand the subject matter sought to

be patented. Applicant submits herewith an Annotated Drawing Sheet and a Replacement Drawing sheet to correct the drawings. The specification has been amended to correct the description of the drawings as set forth in the Brief Description of the Drawings on page 11 of the specification and to incorporate by reference FIGS. 2a and 2b from co-pending parent application serial number 10/426,441 on page 29.

Applicant respectfully submits that the application is entitled to a filing date of December 15, 2003 and respectfully requests a refund of the enclosed petition fee of \$ 400.00.

Respectfully submitted,

MICHAEL A. O'NEIL, P.C.



Michael A. O'Neil  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FEE  
Under 37 CFR 1.17(f), (g) & (h)  
TRANSMITTAL**  
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/736,462
Filing Date	12/15/03
First Named Inventor	Bradley F. Chmelka, et al.
Art Unit	1724
Examiner Name	
Attorney Docket Number	600950-1010

Enclosed is a paper filed under 37 CFR 1.53(e) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for petition fees)

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-0856 :
- petition fee under 37 CFR 1.17(f), (g) or (h)  any deficiency of fees and credit of any overpayments
- Enclose a duplicative copy of this form for fee processing.
- Check in the amount of \$ \_\_\_\_\_ is enclosed.
- Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.  
 § 1.57(a) - to accord a filing date.  
 § 1.182 - for decision on a question not specifically provided for.  
 § 1.183 - to suspend the rules.  
 § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.  
 § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.  
 § 1.14 - for access to an application.  
 § 1.47 - for filing by other than all the inventors or a person not the inventor.  
 § 1.59 - for expungement of information.  
 § 1.103(a) - to suspend action in an application.  
 § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.  
 § 1.295 - for review of refusal to publish a statutory invention registration.  
 § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.  
 § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  
 § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.  
 § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.  
 § 5.12 - for expedited handling of a foreign filing license.  
 § 5.15 - for changing the scope of a license.  
 § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.  
 § 1.84 - for accepting color drawings or photographs.  
 § 1.91 - for entry of a model or exhibit.  
 § 1.102(d) - to make an application special.  
 § 1.138(c) - to expressly abandon an application to avoid publication.  
 § 1.313 - to withdraw an application from issue.  
 § 1.314 - to defer issuance of a patent.

Michael A. O'Neil

Signature

Michael A. O'Neil

Typed or printed name

Oct. 25, 2005

Date

23,007

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will very depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U. S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.